IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 21626 of 2004

Between:

M. Mallikarjuna Raju, S/o. M. Rama Raju,
Savithrinagar,Nellore.

... PETITIONER

AND

1 The Managing Director, A.P. Southern Power Distribution

Co. Ltd Tirupathi.

2 The Superintending Engineer (Operation) A.P. Southern

Power Distribution Co. Ltd. Nellore.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF CERTIORIA call for the records relating to Tender Notification issued by the 2nd respondent under Tender Notice in Specification No. 36/2004-05 for monthly spot billing by hand held computer in Nellore town and declare the same as illegal, arbitrary, without power or authority and contrary to the Tender conditions and consequently direct the respondent to restrict the period of contract for 3 months or else to call for fresh tenders inviting sealed tender from prospective bidders, by a competent authority, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.RAMALINGESWARA REDDY

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court, at the stage of admission, made the following:

ORDER :

This writ petition is filed challenging the action of the 2nd respondent in proposing to award the contract of 'monthly spot billing' for Nellore town. The grievance of the petitioner is that the contract was deliberately split to bring it within the limits of financial power of the 2nd respondent and with a view to help selected individuals.

Learned counsel for the petitioner submits that the normal course of calling for tenders and awarding of contracts of similar nature is for a period of two years, whereas the present contract is restricted to three months, with a view to bring the same within the competence of the 2nd respondent.

From a perusal of the tender, it is evident that the last date for submission of the same is 06.11.2004 and that they were opened on 08.11.2004. The petitioner claims to be a trade union leader. He is not a tenderer nor the person who intended to submit the tenders. The circumstances, under which the period of work came to be restricted to three months instead of ordinary span of two years, are not before this Court. Further, if at all anyone, it is the Chief Engineer or the Managing Director of the distribution company that should take objection for the splitting of the work. This Court is not inclined to interfere with the tendering process, which has passed through substantial stages. However, it shall be open to the petitioner to bring these facts to the notice of the 1st respondent, if he so intends. As and when such representation is made by the petitioner, the 1st respondent shall consider the same and intimate the result of its consideration to the petitioner, within two weeks from the date of submission. Any steps taken by the 2nd respondent in pursuance of the impugned tender notice shall be subject to the outcome of the orders that may be passed by the 1st respondent.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 25th November, 2004

Note: Furnish copy in

Three days.

(B/o.)

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To

1 The Managing Director, A.P. Southern Power Distribution

Co. Ltd Tirupathi.
2 The Superintending Engineer (Operation) A.P. Southern

Power Distribution Co. Ltd. Nellore.

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